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# THE UNIQUENESS OF PERSONS

Linda Zagzebski

## ABSTRACT

Persons are thought to have a special kind of value, often called “dignity,” which, according to Kant, makes them both infinitely valuable and irreplaceably valuable. The author aims to identify what makes a person a person in a way that can explain both aspects of dignity. She considers five definitions of “person”: (1) an individual substance of a rational nature (Boethius), (2) a self-conscious being (Locke), (3) a being with the capacity to act for ends (Kant), (4) a being with the capacity to act for another (Kant), and (5) an incommunicably unique subject (Wojtyła). She argues that none is capable of grounding both aspects of dignity since they are incompatible kinds of value; it is impossible for the same thing to ground both. Human persons are infinitely valuable in virtue of shareable qualities of their nature, whereas they are irreplaceably valuable because of a nonqualitative feature of their personhood.

KEY WORDS: *dignity, Kant, nature, person, subjectivity*

WHAT MAKES PERSONS DIFFERENT from everything else? I am assuming that persons *are* different from nonpersons and different in an important way. That is certainly what we assume when we say that persons deserve a special sort of treatment, that there is a kind of respect that is reserved for persons. This attitude has been codified into an elaborate system concerning the proper treatment of persons that we call morality. This is not to suggest that it is impossible for morality to exist without the supposition that there is something special about persons. In fact, I think we have good evidence that morality existed long before the idea of a person had developed sufficiently to make philosophical reflection upon the nature of persons possible. Nonetheless, morality as we know it today does assume that persons are special, and this is not an assumption limited to Western cultures, as evidenced by the charter of the United Nations and the Preamble to the *Universal Declaration of*

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*Human Rights.* The purpose of this article is to identify what distinguishes persons from nonpersons in a way that is capable of explaining the distinctive value we think persons have.

## 1. Clarifying the Project

In the twelfth century, the virtually unknown philosopher Alan of Lille defined a person as “an individual [*hypostasis*] distinct by reason of dignity,”<sup>1</sup> and the term “dignity” is still often used to designate the special value of persons. Perhaps we can take that as our starting definition. Unfortunately, this definition merely gives us our goal: whatever persons are, it should turn out that they have dignity.<sup>2</sup> It does not tell us what it is about persons that gives them dignity. It also does not tell us what dignity is, but for that we can turn to the important contribution of Immanuel Kant, who contrasted dignity with price in a famous passage of the *Groundwork of the Metaphysics of Morals*: “. . . everything has either a price or a dignity. If it has a price, something else can be put in its place as an equivalent; if it is exalted above all price and so admits of no equivalent, then it has a dignity” (Kant 1785/1958, 77).

### 1.1 *Kant’s conception of dignity*

Kant’s discussion of a dignity implies two different things. One is that any thing that has dignity is more valuable than any number of things that have a price, no matter how high the price. The other is that things with dignity cannot be compared in value to anything else, not even to other things with dignity. That means we can never make up for the loss of a thing with dignity by replacing it with another or even many others. Kant apparently thought that the two aspects of dignity—infinite value and irreplaceable value—must go together, but in fact, they need not.<sup>3</sup>

<sup>1</sup> Quoted by Aquinas in *Summa theologiae* I, q. 29, a. 3.

<sup>2</sup> Annette Baier gave an insightful and frequently amusing account of the Western obsession with dignity as the distinctive value of human persons in her 1990 APA Presidential Address, “A Naturalistic View of Persons” (Baier 1991).

<sup>3</sup> In the passage quoted in the text Kant implies that being infinitely above price (“exalted above all price”) entails having a value that “admits of no equivalent.” I interpret this to mean that infinite value entails irreplaceable value. He implies the converse in the passage immediately following: “What is relative to universal human inclinations and needs has a market price; what, even without presupposing a need, accords with a certain taste . . . has a fancy price; but that which constitutes the sole condition under which anything can be an end in itself has not merely a relative value—that is, a price—but has an intrinsic value—that is, dignity” (Kant 1785/1958, 77). I interpret the last clause to mean that whatever has not merely a market price has a dignity, which is to say, a value above any price. Infinite value and irreplaceability are therefore logically connected for Kant, although not conceptually identical. My thanks to John Hare for conversation concerning the interpretation of this passage.

Something can be infinitely valuable even though one instance of it is equivalent to another. Perhaps biological life is like that; a world containing life is infinitely better than a world without life. But it is still possible that all living organisms could be replaced by similar organisms without loss of value. Or perhaps certain kinds of subjective experience are infinitely valuable but replaceable by experiences of the same kind. If so, they would have the first aspect of dignity but not the second. Conversely, something could have a value that does not permit it to be compared or replaced by anything else even though its value is not infinite or even very high. We would expect this to happen if there are kinds of good that can only have a single instance, such as original works of art. They have irreplaceable value, but their value varies considerably, and some pieces of art are not even very good. Later, in section 5, I will argue that not only *can* the two aspects of dignity exist independently of each other, they *must* do so. This complicates (to put it mildly) our attempt to identify the source of a person's dignity. Nonetheless, I propose that we begin with the assumption that there is a sense in which a person has both aspects of dignity. That it is impossible for a person to have both aspects of dignity in virtue of the same property is a problem that will be revealed as we examine the different proposals on what persons are.

If we combine what Kant says about dignity with Alan of Lille's definition of person as an individual with dignity, that gives us a condition for a satisfactory answer to our question, What is a person? The answer should be capable of explaining why the value of a person is greater than that of any number of nonpersons, and why any one person has a value that makes him or her irreplaceable.

## 1.2 *The metaphysics of persons*

The question, What distinguishes persons from nonpersons? is one that receives surprisingly little attention in contemporary philosophy. Discussion of the metaphysics of persons usually focuses on one of two problems.

The first is the problem of personal identity: What makes you the same person today as you were yesterday or ten years ago? This is the issue of what makes a person that particular person rather than another. But even if we get an answer to that question, it may tell us little about what makes persons as a class different from everything else.

The second issue is the so-called mind/body problem: Is a human person composed wholly of matter, or is a human person at least partly immaterial? This question is even further removed from the question I want to investigate in this article. In the first place, it is a question about the composition of human persons—what we are made out of, not

what we are. In the second place, philosophers on all sides of the debate about the mind/body problem agree that persons are importantly different from nonpersons. What I want explained is what they agree about, not what they disagree about.

What is more, the mind/body problem pertains only to *human* persons, whereas the concept of a person, as used in Western philosophy, does not require that it be applied to humans. It is possible that there are nonhuman persons. There is an interesting historical reason for this. In a helpful study of the word *persona* in classical and later Latin, Hans Rheinfelder says that it is widely accepted that the Latin word *persona* gained prominence in the West as a way of resolving theological debates over the Trinity and the Incarnation that arose in the third and fourth centuries of the Christian era when the problem was to explain how Jesus could be God if there is only one God (Rheinfelder 1928, cited in Rudman 1997, 127 n. 11). These debates led to the distinction between being a person and being an instance of a kind or nature.<sup>4</sup> This distinction made possible the idea that God is one individual nature but three persons, and that Jesus Christ is one person with two natures. The idea of a person was then taken up by philosophers, with the result that the category of persons cuts across classifications of natures; being a person is not the same thing as being an individual human being.

The consequence is that even those who do not believe in a personal God or have never given much thought to the Trinity have inherited a way of thinking about persons that does not essentially link personhood with being a member of a certain species. In fact, some recent ethicists have used the conceptual distinction between “person” and “human being” to argue that some human beings are not persons and some persons are not human—and that it is persons that have the moral rights. For example, Michael Tooley has defended abortion and infanticide on the grounds that human beings in the early stages of development are not persons, and Peter Singer has defended animal rights in part by arguing that some nonhuman animals are persons (Tooley 1983; Singer 1979). In addition, sometimes medical ethicists attempt to justify the allocation of scarce medical resources to some humans and not others on the grounds that severely brain-damaged humans are not persons. I think that there are serious problems with denying personhood to some humans, but these debates show how serious this issue is. It is also

<sup>4</sup> The connection between the concept of person and Christology is explored in Rudman 1997, chap. 7. Even before Rheinfelder, C. C. J. Webb had connected the development of the idea of personality and early Christian theology in his 1918–1919 Gifford Lectures; see Webb 1918. The contemporary Greek orthodox theologian, John Zizioulas, Metropolitan of Pergamon, has stressed the distinction between “person” and “individual instance of a nature” in the work of the Cappadocian Fathers; see Zizioulas 1991.

ironic that when Tooley and Singer attack Christian ethics, they support their positions by using a distinction between “person” and “human being” that they have inherited from debates about the Christian God.

## 2. Traditional Answers

There are four answers to the question of what a person is that have been particularly important historically. I will argue that the deficiencies in the traditional ideas of personhood, along with the desire to retain both aspects of dignity identified by Kant, lead us to a radical view concerning the metaphysical category “person,” a view that has compelling implications not only for our sense of self but also for our understanding of the moral standing of persons and even for our approach to various problems in the philosophy of religion. Let us begin, though, by considering these four traditional answers.

PROPOSAL 1: A PERSON (PERSONA) IS AN INDIVIDUAL SUBSTANCE OF A RATIONAL NATURE.

This was proposed by Boethius in the early sixth century (Boethius 1978, 5th Tractate). It was considered standard throughout the Middle Ages and arguably still is.<sup>5</sup> Notice that it says nothing about biological species. It does, however, pick out a property that many, if not most, philosophers since Aristotle have thought distinguishes humans from other animals—namely, rationality. This definition cleverly divides up the universe the way Boethius wanted: it includes God, angels, and humans in the category of persons, but leaves out dogs, frogs, and birds. At least, that is what it was supposed to do.

But even if it does that successfully, it is not a good answer.

For one thing, philosophers have been nervous about the idea of substance for centuries, and, in my opinion, ought to be just as nervous about the concept of rationality, although they generally are not. One problem with using rationality as the defining property of personhood is that some of what is involved in being rational seems to be irrelevant to being a person, for example, the ability to perform mathematical calculations. We can easily imagine a race of intelligent beings who are resourceful and sensitive investigators of their environment, but who never develop mathematics. Moreover, persons certainly existed before they had the ability to engage in the kind of reasoning readers of this article are doing right now. It seems possible, then, for a being to be a person without having all aspects of rationality.

<sup>5</sup> For a glowing appraisal of the historical importance of this definition, see Webb 1918, 54.

Even worse, it might be possible for something to be fully rational without being a person. The closest thing Aristotle has to God is what he calls the Unmoved Mover, a changeless, eternal being without parts that is pure thought thinking on itself. The Unmoved Mover moves everything in the universe by attraction like a giant metaphysical magnet. Aristotle says it is living but it has no relationships with anything outside of itself, nor is it even aware of anything outside of itself. It has no emotions, although it enjoys thinking on itself; it does not act to produce anything and has no intentional effects (Aristotle 1941, bk. 12, chap. 7). Is Aristotle's Unmoved Mover a person? I find it rather doubtful, but it is as fully rational as a being can be, at least according to some ways of looking at rationality. In any case, I think Aristotle himself considered the Unmoved Mover to be perfectly rational.

A more subtle problem with rationality is that it is almost always defined procedurally. It is being able to do certain things: follow an argument, think up an explanation, act consistently, and so on. But that still does not tell us what makes an individual able to act in these ways. Presumably, the capacity to act rationally exists because of something else, some deeper property. Once we make this distinction, the question arises, Is it possible to have that something else without rational capacities? The hunch that such a situation is, in fact, possible makes some of us hesitate to say that human beings in the early stages of development and severely brain-damaged adults are not persons. The fact that some human beings have not yet developed rational powers or have lost them may not mean that they do not possess the deeper property that, given appropriate maturity and health, produces rational powers. But we still have not established what the deeper property is.<sup>6</sup> Let us, then, move on to a refinement of the rationality proposal.

PROPOSAL 2: A PERSON IS A SELF-CONSCIOUS BEING.

Being self-conscious is arguably the aspect of rationality that makes a being a person. A self-conscious being is one who is not only conscious, but who has reflexive consciousness. A self-conscious being is conscious of itself being conscious.

<sup>6</sup>Those who wish to define personhood in terms of capacities need not deny that the capacities rest upon something deeper, but they may think that the capacities supervene upon the deeper property. In other words, if two beings differ in the ability to perform rationally, they also differ in the deeper respect that explains the difference in ability and that constitutes personhood. If so, difference in capacity is sufficient to determine difference in possession of personhood, but it may still not explain what makes a person a person.

It has been only in the last three hundred years or so that self-consciousness has been proposed as the characteristic most closely associated with personhood, and it is most famously associated with John Locke. Locke separates his consideration of personhood from the theological context, but retains the distinction between person and nature. He considers what man is and what person is separately, and when he gets to the latter, he says:

We must consider what person stands for; which, I think, is a thinking intelligent being, that has reason and reflection, and can consider itself, the same thinking thing, in different times and places; which it does only by that consciousness which is inseparable from thinking and seems to me essential to it; it being impossible for anyone to perceive without perceiving that he does perceive [Locke 1689/1989, bk. 2, chap. 27, sec. 9].

For Locke, self-consciousness is preserved in memory, thereby giving a person continuity of identity over time. I say this proposal is a modern one, and that is true, but it is worth noting that it was anticipated in the fifth century by Augustine in book 10 of the *Confessions*, where he identifies himself with his memory: “The power of the memory is great, O Lord. It is awe-inspiring in its profound and incalculable complexity. Yet it is my mind: it is my self” (Augustine 397/1991, bk. 10, chap. 17).

Locke’s proposal is an improvement over the Boethian definition because it comes closer to capturing the important idea that a person is a “who,” not a “what.” A person is a being who thinks of herself as “I.” Now it is no doubt true that persons think of themselves as “I,” but *what* is it that they think they are when they think “I”? It thus is not clear that this suggestion answers our question; it seems, rather, that it simply leads us to ask it in a different way. Even if we entertain the possibility that the very act of self-consciousness creates the self, we still want to know *what* the act of self-consciousness has created. Moreover, the capacity for self-consciousness, like other rational capacities, may rest upon something deeper that gives rise to the capacity for self-consciousness. If so, the second definition shares one of the problems of the first: self-consciousness also is a capacity that the very young and the brain damaged do not have, even though they may have something that, in the right circumstances, such as good health and an appropriate level of maturity, would produce self-consciousness. If so, self-consciousness is not itself constitutive of personhood.

Furthermore, why think that a self-conscious being is one with a special dignity? At some point in the course of evolutionary history, consciousness appeared, and eventually some creatures advanced to the point of being able to direct their conscious awareness on themselves. So what? Why should we suppose that that means that a new kind of being



with a special moral status has entered the scene?<sup>7</sup> Even worse, it might be possible for something to be self-conscious without being a person. Again, Aristotle's Unmoved Mover may be a counterexample. If the Unmoved Mover is thought thinking on itself, it is self-conscious, but I have already expressed my doubts that the Unmoved Mover is a person.

Actually, we do not need to imagine such a lofty being as Aristotle's Unmoved Mover to call into doubt the idea that self-consciousness is sufficient for personhood. Here is a simple thought experiment. Suppose every inanimate object acquired consciousness of its surroundings. Suppose it even acquired consciousness of the difference between itself and its surroundings. So a rock in your backyard becomes self-conscious, but otherwise remains as much like a rock as is compatible with being self-conscious. Your backyard rock thinks, "I am a rock. I am on hard ground." Many readers will no doubt say that the rock cannot do that without distinguishing rocks from nonrocks, and it cannot do that without having concepts, and it cannot have concepts without language. Maybe so; maybe not. But I will even grant your rock a rudimentary language. My question is just this: Would the mere fact that the rock becomes aware of itself as something lying on the ground with the sky above make it a person? If your backyard rock does not feel pain, pleasure, desire, or any emotion, if it cannot move around, cannot act, cannot reason, cannot show any awareness of you as anything different from the ground it lies upon, would it be a person? I think not. In human beings, of course, self-consciousness brings lots of other things with it—in fact, all of the things just mentioned, such as the ability to act, to feel, and to think of other self-conscious beings as "you." Is it not likely that we think of a self-conscious being as a person because we tend to add a lot of things to our idea of self-consciousness, things that, in our experience, accompany it? Surely self-consciousness by itself does not make a person.

PROPOSAL 3: A PERSON IS A BEING WITH THE CAPACITY TO ACT FOR ENDS.

It is time to take a closer look at what Kant himself thinks grounds our dignity. Recall that in section 1.1 I identified two components of

<sup>7</sup> It is interesting that Friedrich Nietzsche denied that there is any special value in self-consciousness even when all these other abilities accompany it. He writes, "Man, like every living being, thinks continually without knowing it; the thinking which rises to consciousness is only the smallest part of all this—the most superficial and worst part—for only this conscious thinking takes the form of words, which is to say signs of communication, and this fact uncovers the origin of consciousness. The human being inventing signs is at the same time the human being who becomes ever more keenly conscious of himself. It was only as a social animal that man acquired self-consciousness—which he is still in the process of doing more and more" (Nietzsche 1882/1974, 298–99).

Kant's conception of dignity: the possession of infinite value (such that the value of one person is greater than that of any number of non-persons) and irreplaceability. It is important to note that Kant runs together the ideas of humanity, rationality, and personhood. In the *Groundwork*, he interchanges the terms "humanity" and "rational nature." He rarely speaks of persons at all, and when he does, personhood is either equated with humanity and rational nature, or differs slightly.<sup>8</sup> Therefore, when Kant specifies that the mark of rationality is the capacity to set ends, he is also identifying the mark of humanity or personhood since rationality, humanity, and personhood are not distinguished by him. It seems, then, that Kant believes that persons/human beings/rational beings have both infinite and irreplaceable value in virtue of their capacity to set ends.

It is not obvious to me what is so great about the capacity to set ends. It depends in part on what that involves. An end is that for the sake of which someone acts. It is something one values, and the valuing of it explains why a person acts. When the end state is a state of affairs toward which we act, it often is not the ultimate end. The ultimate end is some person or object we value, either oneself or another. In this regard, Kant is influenced by Duns Scotus, who distinguishes two senses of end: that *toward* which one acts, and that *for* which one acts. That toward which one acts (a *finitum*) is an end state that one tries to bring about through one's acts. In contrast, an individual's ultimate end (a *finis*) is the being for whose sake she acts. Such a being pre-exists the act that is done and the end state that is sought for its sake. Scotus says that God is the only proper *finis*. Ultimately, all acts ought to be done for the sake of God.<sup>9</sup>

Using this distinction between two senses of "end," I would recast Kant's account this way: Persons have infinite value, and the recognition of that value can explain why persons act. Persons act for the sake of persons, either another person or themselves. This is what Kant means by saying that persons are ends-in-themselves. Persons also act

<sup>8</sup> Kant interchanges "humanity" and "rational nature" repeatedly. For example, in the *Groundwork*, he says, "Rational nature is distinguished from others in that it proposes an end to itself" (Kant 1785/1958, 437), whereas in the *Metaphysical Principles of Virtue*, he writes, "humanity, by which he alone is capable of setting himself ends" (Kant 1797/1964, 387). Christine Korsgaard remarks that in the *Critique of Practical Reason*, humanity in one's own person and personality are treated as the same thing (C2 87), but the distinctive feature of humanity as such is simply the capacity to set an end, whereas personality is the capacity to set ends for moral reasons (Korsgaard 1996, 110, 114).

<sup>9</sup> For Alan Donagan's discussion of the background of the Kantian distinction between two kinds of ends in the work of Scotus, see Donagan 1994, 5–7; Donagan 1999, 162. Donagan argues that the distinction can be traced back to Aristotle, although I am not certain that Aristotle's distinction is the same. My thanks to Hugh Benson for discussion on this point.

in order to bring about states of affairs that they value. These are the ends toward which they aim. Such states of affairs derive their value from the infinite value of the persons for whose sake these states of affairs are brought about. For example, a physician aims to bring about the health of her patient, but the patient's health is valuable only because the patient himself is a being with infinite value. And why is the patient infinitely valuable? Kant's answer is that he has a rational nature, and what makes that nature valuable is that he also can act for ends in the same way.

I am willing to go along with Kant part way, although I have already expressed my reservations about the connection of personhood with rationality, either in its Kantian form, its Boethian form, or its Lockean form. Even if rationality is infinitely valuable, it cannot make individual rational beings irreplaceably valuable. It thus may account for one aspect of dignity, but it cannot account for the other. Irreplaceability, I think, is the harder aspect of dignity to figure out. To many people, it sounds right to say that a person is irreplaceable, yet it is remarkably difficult to explain that in a way that makes sense. To better grasp this second aspect of dignity, I suggest we look more closely at what we think we are doing when we act for the sake of other persons. Only persons act for the sake of persons (with a few possible exceptions), and that capacity gives us a better version of the Kantian thesis that a person is a being who can act for ends.<sup>10</sup>

PROPOSAL 4: PERSONS ARE BEINGS WHO CAN ACT FOR THE SAKE OF EACH OTHER.

Acting for the sake of another person requires valuing another and that is sometimes, but not always, associated with the emotions of love and respect. Presumably, nonpersons, including your self-conscious backyard rock and Aristotle's Unmoved Mover, do not act for the sake of anything, much less persons, and they neither love nor hate. It is important to Kant to make the capacity to value another a rational capacity that is not dependent upon emotions. There has always been an ambivalence in Western philosophy about the status of the valuing of another person—indecision as to whether it is an emotional state, a state of the intellect, a state of the will, or something else. Nonetheless, the idea that personhood is partly defined by the relationships that persons can

<sup>10</sup> I grant that pets and other animals that live in intimacy with human persons may have the capacity to act for the sake of those persons. I do not think that this possibility affects the point of this paragraph, however. Of course, it does affect the claim that such a capacity is definitive of personhood, unless we are willing to assign personhood to those animals. I will leave that issue aside for this article.

have with each other has many historical precedents, going as far back as the Church Fathers who, in debating the doctrine of the Trinity, eventually decided that the persons of the Trinity get their identity in part by their relationships with each other.

This brings up another tension in Western philosophy: Does the kind of valuing that undergirds personal relationships differ from the kind of valuing that undergirds morality? Unfortunately, if dignity is a value that all persons have, there is no reason to value one person more than another except for reasons that seem to be trivial in comparison to the noble value of dignity. That then threatens the importance of particular personal relationships. This problem has generated a lot of discussion in contemporary ethics, not only with regard to Kant, but with regard to the broader question of the connection between morality and personal life. Ideally, there ought to be *some* connection between the dignity that Kant identifies and the value we see in a person with whom we have a relationship. In both cases the focus is on the value of the person.

This gives us another desideratum in an account of the value of persons. It should turn out that the value that sets persons apart from other things is connected both with the ground of the system of morality (how persons ought to be treated) and the ground of personal relationships (why persons love one another). But if any of the four definitions we have examined so far is right, there is no connection between the two at all. I doubt that anybody loves someone else because of their rationality or their capacity for self-consciousness or their capacity to set ends. It seems more plausible to think that persons love others because of their capacity to act for the sake of other persons—that is, because of their capacity to love.<sup>11</sup> Yet even this seems to me inadequate. Surely we love and value other persons primarily because they are who they are, not because they have the *capacity* to love us or other persons. Why would we love somebody just because she has the capacity to love when she clearly does not love?

So the capacity to love does not seem to be sufficient. Neither is it necessary, since, to repeat an objection made several times already, no *capacity* seems to be in the right metaphysical category to capture the ground of love and respect when we love and respect persons. I am not denying that the capacity to love is closely connected to personhood. It is an aspect of rationality and self-consciousness that we especially value, and to act for the sake of a loved one is surely a more valuable way of

<sup>11</sup> This is David Velleman's suggestion, which he sees as Kantian in spirit. "For me, then, people have a capacity whose value we appreciate not only with respect but also sometimes with love; and that capacity, at its utmost, is their capacity not only for respect but also for love. I find it plausible to say that what we respond to, in loving people, is their capacity to love: it's just another way of saying that what our hearts respond to is another heart" (Velleman 1999, 365).

acting for ends than most other ways we can imagine. Nonetheless, we still do not have an adequate definition of person.

### 3. Taking Stock

Each of the definitions we have considered is a specification of the preceding one. We began with the Boethian definition: A person is an individual substance of a rational nature. To this there were two obvious objections: even a fully rational being may lack personhood, and perhaps only some aspects of rationality are necessary. The attempt to identify the aspect of rationality most closely tied to being a person led to the Lockean definition: A person is a self-conscious being. Against this proposal I argued that mere self-consciousness is not sufficient, and that led to the Kantian definition that makes an aspect of self-consciousness the ground of our dignity: A person has the capacity to act for ends. There are, however, at least two senses of “end”: a state of affairs one aims to bring about and a person for whose sake one acts. The latter comes close to identifying the distinguishing mark of persons: Persons are beings capable of recognizing the infinite value of each other and acting out of a recognition of that value. But if infinite value has to be there before it can be recognized, we still do not have an account of what makes persons infinitely valuable.

There is a further unresolved difficulty with all of these definitions. Each one identifies a capacity in virtue of which persons are persons, but I have said repeatedly that I suspect that capacities will not do the metaphysical job of distinguishing persons from nonpersons. A capacity is a distinguishing mark, and while I think each succeeding definition does a better job than the previous one of identifying the capacity that distinguishes persons from nonpersons, definition by capacity will probably fail. It would be better, if possible, to get something deeper (with the proviso observed in note 6).

Finally, we still do not have a definition that explains the second aspect of dignity identified by Kant—that a person has irreplaceable value. This is a serious problem. Each definition identifies a shareable property, a property that all persons have in common and that all nonpersons lack. Each person is equivalent to another in having such a property. That property could be rationality, self-consciousness, or the capacity to set ends, but in each case it is the same in all persons, and, in fact, the discovery of such a property was the point of our original question, What makes a person different from everything else? Now we find ourselves with a new question: How can *any* shareable property make each individual that has that property irreplaceable in value? The answer, I think, is that it cannot. But it takes some argument to *show* that it cannot.

## 4. Irreplaceability

If someone is irreplaceable in value, I assume that means that if we lose her, no one else, no matter how similar to her, can replace her. That must mean that part of her value comes from something about her that nobody else has. Furthermore, whatever it is about her that has no equivalent cannot be something she can lose since if she were to lose it, it is possible that someone else could replace her later, even though no one can replace her now. Thus, no property that is either shareable or losable can be that which makes a person irreplaceable. This leaves out rationality and self-consciousness. In fact, it leaves out qualities altogether. The dignity each person has cannot be adequately grounded in the property of rationality Kant identifies.

### 4.1 *Velleman's defense of Kant*

In "Love as a Moral Emotion," David Velleman makes a heroic attempt to defend Kant against the charge that he cannot explain a person's irreplaceable value. The first stage of his defense is to argue that dignity cannot be based on uniqueness because qualitative uniqueness invokes a self-defeating standard. "We are told by adults who love us, and who want us to feel loved, that we are special and irreplaceable. But then we are told by the same adults, now acting as moral educators, that every individual is special and irreplaceable. And we wonder: If everyone is special, what's so special about anyone?" (Velleman 1999, 363). Further, qualitative uniqueness gives an object a price not a dignity. When we say something is unique we *are* comparing its qualities with other things and finding that others do not have its qualities. Uniqueness simply makes an object rare; it adds to its price.<sup>12</sup>

I think that Velleman is right that irreplaceability, as an aspect of dignity, cannot be due to a set of unique qualities, but Velleman draws the wrong conclusion. Since qualitative uniqueness cannot ground our dignity, he concludes that uniqueness cannot ground our dignity. I will return to the difference between uniqueness and qualitative uniqueness in section 4.2.

In the second stage of his argument, Velleman tries to show that irreplaceability, as an aspect of dignity, can be grounded in something we share, and he thinks that Kant is right to identify that shared

<sup>12</sup> Velleman assumes that having a unique set of qualities is a contingent matter; he fails to consider the possibility that there are individual qualitative essences. Actually, I think individual qualitative essences will not explain dignity, but I will not pursue that argument here.

something as rationality. Rationality grounds our dignity by entitling us, as its possessors, to be treated a certain way—to be appreciated as if we were incomparable and irreplaceable. As Velleman sees it, incomparability or irreplaceability is not a property persons possess; it is a way persons deserve to be treated. The recognition of the value a person has, a value shared by all others, leads us to refuse to compare him to or to measure him against potential replacements. Individual persons are not unique, but they deserve to be treated as irreplaceable. As Velleman puts it, “Valuing her as irreplaceable is a mode of appreciation, in which we respond to her value with an unwillingness to replace her or to size her up against potential replacements. And refusing to compare or replace the person may be the appropriate response to a value that we attribute to her on grounds that apply to others as well” (Velleman 1999, 368).

#### 4.2 *Incommunicability*

The trouble with this is that it is psychologically implausible. It seems to me that we would not treat a person as if she were irreplaceable unless we believed her to *be* irreplaceable. Likewise, it seems to me that when we refuse “to size up” one person in comparison with others, it is not because we *could* compare her but choose not to; rather, there is a sense in which the comparison cannot be made. Even if we *try* to see her as comparable to others, we cannot because she is not. Why we believe that is unclear. It is a part of folk wisdom, and so it is possibly a myth. Perhaps we start by believing in irreplaceability in our own case because of our experience of being a self, and then go on to attribute it to others. Or perhaps we really do see something—in a person’s face, voice, manner—that is inexpressible but that leads us to think that nobody else is, or even could be, like that person. It would not be surprising that such an apprehension should be inexpressible since if it were expressible, that which is apprehended would be a quality, and qualities are shareable. This leads me to my final proposal.

##### PROPOSAL 5: A PERSON IS AN INCOMMUNICABLY UNIQUE SUBJECT.

The word “incommunicable” is not an ordinary word in contemporary English, not even in philosophical English. It has been adapted from the Latin used in an aphorism of Roman Law: *Persona est sui juris et alteri incommunicabilis* (“A person is a being which belongs to itself and which does not share its being with another” [quoted in Crosby 1996, 1]). As I am using it, “incommunicability” is the name of a way of being that is unique to a particular individual. It is not shareable even in principle,

and since qualities are shareable, it is nonqualitative.<sup>13</sup> The suggestion, then, is that what is irreplaceable about a person is something nonqualitative that nobody else has or even could have. It is also possible that a person can have this before he has gained the power of self-consciousness and after he has lost it. If so, that would account for the intuition mentioned earlier that capacities will not do the metaphysical job of distinguishing persons from nonpersons, but I believe the issue of whether a biological human organism is a person for the entire duration of its existence is so critical for ethics that it best be left for another project.

Incommunicability by itself cannot be sufficient for personhood since it is possible that something can be incommunicable without having dignity or even being valuable. Think of an incommunicably unique spider—creepy in its own special unique way, which no other spider can match. In my opinion, one would have to have an unusually high regard for novelty to consider the spider valuable on that account, much less a possessor of dignity. So while incommunicability can give us the second aspect of dignity, it cannot give us the first.

Let us look more closely at incommunicability. The idea that something can be particular without being a particular something is bound to sound incomprehensible to almost everybody. The roots of its incomprehensibility, I think, go all the way back to the dawn of Western philosophy in the pre-Socratics. We get from the ancient Greeks the idea that particular being needs to be explained. It is not fundamental. A *what*—a kind or quality something can be—comes first; a particular thing is just an instance of a what. Philosophers think exactly the same way today. To be is to instantiate qualities. Notice that from this point of view qualities come before being and nonqualitative particularity is senseless. Yet we know that there is a problem with this ontology because one of the most important philosophical phenomena—subjectivity—resists explanation if we persist in thinking this way. Most theorists have found subjectivity intractable because subjectivity is not a what. It is a way of being that is irreducibly first-personal, and it is lost as soon as it becomes an object of investigation from the outside. For that reason, it is virtually impossible to give an account of subjectivity without turning it into something else.<sup>14</sup> Those who realize the problem sometimes say that the subject is outside

<sup>13</sup> “Incommunicability” has sometimes been used to refer to what makes any two objects distinct from each other. For example, Locke says that existence itself “determines a being of any sort to a particular time and place, incommunicable to two beings of the same kind” (Locke 1689/1989, bk. 2, chap. 27, sec. 3).

<sup>14</sup> That is what typically happens in discussions of the mind/body problem. A mental state is investigated as an object seen from the outside, and the issue is how that state is related to neural states. The debate then turns on whether one kind of object (a mental state) can be reduced to another (a physical state). But the real problem is that even if that



the world. Thus, Ludwig Wittgenstein says in the *Tractatus*, “The subject does not belong to the world: rather it is a limit of the world” (Wittgenstein 1922/1961, 5.632).

### 4.3 *Subjectivity and lived experience*

In a paper written before he became Pope John Paul II, Karol Wojtyła argues that personhood is what is irreducible in human beings, and he identifies it with subjectivity (Wojtyła 1993, chap. 15).<sup>15</sup> He also insists that each person is unique, and he clearly thinks that uniqueness is not qualitative. He holds that each person is a self-experiencing subject, a position he has adapted from the phenomenological and existentialist literature that has influenced so much of his philosophy. Noting that lived experience defeats reduction, he seems willing to identify subjectivity with lived experience or something close to it.

Now I think we should think about what we mean by lived experience because there is a sense in which someone else could have lived my experience and yet would not be me.<sup>16</sup> But whether that is possible depends upon the prior question of whether any particular experience is the sort of thing that someone else could have had. It is tempting to say no since, as we have already seen, thinkers from Augustine through Locke to the present have often linked the sense of self with accumulated memories. Perhaps I have forgotten some of my past experiences, but any experience that I have had and that I have not forgotten is partly constitutive of my self. On the other hand, it does not seem impossible that two distinct persons could have had identical life experiences (assume they have very short lives). Even more likely is the possibility that the subjective sense of memory can be duplicated. Philosophers routinely devise thought experiments in which the memories of one person are “implanted” into another, and rarely does anybody object on the grounds that it is impossible. Is there anything in principle preventing such a duplication of memories? Is there anything in principle

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can be done, it leaves out what is critical to a subjective state: its first-personal character. The problem of subjectivity is not whether one objective state can be reduced to another. The problem of subjectivity is that no matter what we decide about objects in the world, no subjective state can be reduced to any objective state, not even an objective mental state.

<sup>15</sup>The paper to which I am referring was written in 1975. Similar themes appear in Wojtyła’s 1979 book, *The Acting Person*, especially in chap. 1, sec. 6, “Subjectivity and Subjectivism.”

<sup>16</sup>My colleague Neera Badhwar suggests that even so, the lived experience is sufficient to give a person the kind of irreplaceability that we think persons have. So, she says, she could have had a love relationship with Alpha’s spiritual twin, Beta, and if she had, her present love of Alpha would have been replaceable by her love of Beta. But that did not happen, and it will not happen. It is the actual history that counts. It is therefore a contingent but deep fact that the persons whom we love are irreplaceable.

preventing the memories from being veridical? That is, is it impossible that two distinct persons could have actually had the same series of experiences? I want to suggest that it *is* impossible. In fact, I want to go further and suggest it is impossible that two distinct persons could have had even *one* experience in common.

Most Anglo-American philosophers would say that any given experience is the sort of thing any number of different people could have. They think of an experience as a mental state that has a content that is neutral with respect to its possessor. So examples of mental states for them would be feeling a pain, tasting chocolate, thinking that Kant is confusing, and so on. I suspect that most follow Locke in maintaining that what makes a mental state my own is simply the fact that I am aware of it (Locke 1689/1989, bk. 2, chap. 27, para. 16). So my tasting chocolate may be exactly the same experience as your tasting chocolate; the only difference is who has it. Mental states are the kind of object that can move around or be duplicated. The fact that a mental state is possessed by a particular subject does not affect the state at all. Mental states are detachable from subjects.

But suppose this view is mistaken. What if the content of one's mental state is not separable from one's being consciously aware of it? Perhaps subjects are constituents of their mental states. If so, it would be a mistake to identify mental states as, for example, a state of feeling pain or tasting chocolate. Rather, these are states of *my* feeling a pain, *my* tasting chocolate, *my* thinking that Kant is confusing, and so on. The subject, myself, is "in" my state of conscious awareness.<sup>17</sup> This would mean that a conscious state is not a combination of, say, a taste of chocolate that is independent of its bearer, plus my awareness of it. Rather, my state of tasting is different from your state of tasting, not simply because a neutral object is perceived by two different subjects, but because there is no neutral taste object that we share. According to this account of subjectivity, it would be impossible for mental states to be duplicated or transferred from one person to another because even though another person can taste chocolate or feel a pain, her state will always be *her* tasting chocolate, not *my* tasting chocolate; her tasting and my tasting are not, according to this account, the same state. This is not to say that the states differ qualitatively; the point is that the difference is nonqualitative. Nonetheless, the difference is not just numerical. Her tasting chocolate just *is* different from my tasting chocolate, and when she dies, the mental states only she can have will be lost forever. She is truly irreplaceable.

<sup>17</sup> I got this idea from discussing Jean-Paul Sartre with Ray Elugardo, but I believe that the view I am defending here is more radical than Sartre's.

I have no idea how this position can be defended. How can we ever tell for sure whether our own mental states are really different from those of others? We can never be another person for a while to find out how different it is, so I doubt that we can ever know the answer to that question. Nonetheless, that is my proposal. Persons have irreplaceable value because of their incommunicable subjectivity.

## 5. The Relation of the Two Aspects of Dignity

But what grounds the infinite value of persons? None of the first four definitions is capable of doing so. Of those four, the one that seemed to come the closest to identifying something with infinite value was the capacity to act for the sake of another person, which involves the capacity to recognize the infinite value of persons. This cannot be the actual property we are looking for, however, since the capacity to recognize infinite value is logically dependent upon there being something of infinite value to be recognized. Can incommunicable subjectivity have infinite value? Unfortunately, it cannot, and the reason it cannot reveals an interesting feature of the two aspects of dignity.

### 5.1 *The ground of infinite value in human nature*

Since subjectivity is a unique and nonqualitative mode of being, its value cannot be compared to anything else. This excludes it from the class of things with infinite value because anything with infinite value *is* comparable; that follows from the definition of “infinite.” If something has infinite value, its value is higher than anything with finite value and equal to other things with infinite value. In short, what has infinite value *can* be compared in value to other things, whereas what has irreplaceable value *cannot* be. It is therefore impossible for the same thing to be the ground of both infinite and irreplaceable value. Furthermore, if something is comparable to other things in virtue of its qualities, as I have suggested, and something is incomparable in value because of something nonqualitative, it follows that whereas the ground of irreplaceable value cannot be a quality, the ground of infinite value must be a quality.<sup>18</sup>

<sup>18</sup> I was led to see the incompatibility of infinite value and irreplaceable value by Walter Zagzebski and Philip Quinn. My son, Walter, pointed out in the discussion period following my address that the ground of irreplaceable value cannot be something that has infinite value. Philip Quinn then commented that the two aspects of dignity are inconsistent. My position here is that it is possible for the same thing to have both aspects of dignity, but not in virtue of the same thing. Human persons have qualities in addition to possessing subjectivity. Some/one of the former grounds their infinite value; the latter grounds their irreplaceable value.

This consequence may be startling, but it makes our task of identifying the ground of the infinite value of persons easier. That is because the quality that makes a person infinitely valuable can be something some nonpersons share, given that we now do not expect it to have irreplaceable value as well. Of course, what has infinite value must be necessary for personhood, but it will not be sufficient. This discovery makes some of our previous definitions look better. It is no objection to the infinite value of rationality, self-consciousness, or the capacity to act for ends that none of these qualities is sufficient for personhood. Our objections to these definitions can therefore be narrowed to the problem that none of them seems to be necessary. All of them are capacities that the very young and the brain damaged may lack, yet, as I have said, my skepticism about the metaphysical status of capacities leads me to think we cannot rule out the very young and the brain damaged from the class of persons. Nonetheless, normal human adults do satisfy the first four definitions. Can we, at least, hope for an account of what grounds the infinite value of normal human adults?

Yes, I think we can. Normal human adults have the qualities of rationality, self-consciousness, and the capacity to act for ends, in particular, the capacity to act for the sake of another person. Moreover, normal adults exercise these capacities on a regular basis. It is quite plausible that at least one of them has infinite value. These qualities are no doubt part of being a healthy adult specimen of human nature, although, as we have seen, they may also be possessed by some nonhumans. The capacity to recognize the infinite value of persons, therefore, rests on the capacity to recognize other beings as having the shareable properties of rationality, self-consciousness, and the capacity to act for ends. What has infinite value, therefore, comes from our nature, not our personhood. Persons have infinite value because persons also have natures. It follows that the first aspect of dignity identified by Kant is not an aspect of the value of persons *qua* persons, but is an aspect of beings with certain natures.

The second aspect of dignity, irreplaceable value, is entirely different. Since it is grounded in something nonqualitative, it is distinct from natures. What makes human persons more valuable than (at least most) other animals is not simply that a human person is an instance of a more valuable nature, but that a human person is more than an instance of a nature. Persons have incommunicable subjectivity and hence are irreplaceable.

## 5.2 *Incompatible kinds of value*

Does something have dignity if it has one of the two aspects of dignity but not the other? The argument of this article and the examples we

have considered suggest that the answer is no. Even if rationality or self-consciousness is infinitely valuable, a replaceable rational or self-conscious being does not have the dignity that underlies morality, nor does an irreplaceable but not very valuable work of nature or art. Kant is right that it takes both infinite and irreplaceable value to explain the value of persons,<sup>19</sup> but he is wrong in thinking that one aspect of dignity entails the other. They are, in fact, incompatible kinds of value; hence, they cannot attach (directly) to the same object. A person can have both kinds of value only if a person combines qualities with something non-qualitative. Something in the former category grounds infinite value; it takes the latter to ground irreplaceable value.

Is there any connection between the qualitative ground of infinite value and the nonqualitative ground of irreplaceable value? This is another large question, but I think we have gone far enough to conjecture that the capacity to recognize the infinite value of persons, a capacity that (as we have seen) is a candidate for infinite value, is closely associated with awareness of one's own incommunicable subjectivity and that of other persons. If this conjecture is right, it would mean that the ground of both aspects of a person's dignity is connected in the possession and valuing of subjectivity.

There is currently a debate in ethics as to whether the moral point of view, which requires that we be impartial in valuing all persons just because they are persons, is incompatible with the point of view of personal love, which is partial to the one over the many. The argument I have just given indicates that this is a misplaced debate. If to be a person is to be an incommunicable subject, then the moral response to persons will require both impartiality and partiality. Another person's subjectivity is something we cannot penetrate very far, and for the most part, we do not even begin. We just assume it is there. But we can go some distance with a few people, the ones we love. The moral attitude requires us to respect the fact that each person is incommunicably unique, even though we have no contact at all with the subjectivity of most of them. And it just as surely requires that intense, deep, and self-disclosing response of subject to subject that is possible only in sustained relations of attachment and particularity, such as we find in families, friendships, and erotic love.

Human dignity is often expressed by the platitude that all persons are equal. I find the word "equality" misleading because it implies that

<sup>19</sup> It is not actually necessary that persons have infinite value so long as they have high value combined with irreplaceability. If I am right that the ground of the degree of value of a person is her nature, it is unlikely that a human person has infinite value unless members of other biological species are infinitely valuable also, since the difference in value between one species and another is unlikely to be infinite.

persons are being compared with each other and that they all come out the same on some scale of comparison. I think the point of asserting the distinctive value of persons is to establish that persons cannot be compared. There is a space around all the qualities a person has that constitutes the domain of her selfhood and may also be the domain of her freedom. It is the area in which persons are separated from their nature and the qualities that they share with others.

## 6. Theological Implications

I would like to conclude with a brief discussion of the implications of the foregoing for reflection on the personhood of God. If there is a God who is supremely good, God must have dignity rather than price. Kant, of course, realized that, but for Kant, to conclude that the deity must have dignity is to conclude no more than that the deity is a rational being. But if I am right, God must be personal in a much stronger sense. We need not now consider the issue of how many divine persons there are before concluding that the defining features of personhood must be aspects of God. This means each of the divine persons must be a uniquely incommunicable subject, with freedom to act that is not fully determined by God's nature, divinity. To put it very loosely (but I think informatively), God has personality. It also means that the kind of work traditionally called natural theology—arguments on the existence and nature of God—will always fall short of telling us who God is. The traditional conflict between the so-called God of the Philosophers and the God of Christianity and Judaism can thus be understood to arise from and reflect the difference between considering God as a nature and considering God as person. God's infinite goodness comes from God's nature, but God's incomparable uniqueness resides in God's personhood. I suspect that many theological puzzles—including why there was a creation, why God created this world in particular, why God has certain motives and not others, why God acts one way and not some other way—are puzzles that cannot be resolved by investigation of the divine nature. We must move to the personal level to address them.

Philosophers of religion have traditionally thought that everything interesting to be said about God philosophically pertains to the divine nature. I propose that the distinctiveness and uniqueness of persons is of great importance in talk about God. We cannot begin to resolve philosophical problems about God without understanding God as a person, not just an instance, even the only possible instance, of a divine nature.

It is because a person is incommunicable that a person is, in part, a mystery. Like most philosophers, I do not like the idea of mystery because it seems to me that "mystery" is what we call something when we have given up trying to figure it out, and philosophers never give up

trying to figure things out. Still, there are undoubtedly some unsolvable mysteries, and we can even explain why this is so. The nature of persons is probably one of them.

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